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068354.1470

PATENT APPLICATION  
09/870,461

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: John Elliott  
Serial No.: 09/870,461  
Filing Date: June 1, 2001  
Group Art Unit: 2124  
Examiner: David H. Malzahan  
Title: *STICKY Z BIT*

VIA FACSIMILE 703.308.5077

Mail Stop 16  
Director of the U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

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*Angela Loding*  
Angela Loding  
12-2-04  
Date

REQUEST FOR REFUND

Dear Sir:

I. **BACKGROUND**

A Notice of Allowance was mailed July 9, 2004, for the above-mentioned application. On September 29, 2004, Applicants filed a Request for Continued Examination (RCE) pulling the instant application from issuance. On October 1, 2004, the U.S. Patent and Trademark Office debited Baker Botts L.L.P. Deposit Account No. 50-2148 a total of \$770.00 for fee code 1801 - (RCE).

AUS01:366305.1

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PATENT APPLICATION  
09/870,461

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II. FEES PAID FOR WHICH REFUND REQUESTED

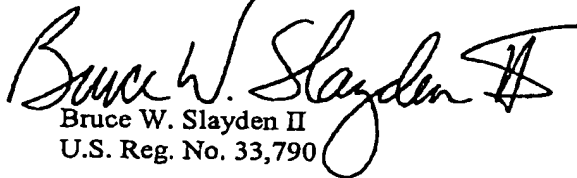
Upon filing the RCE on September 29, 2004, Applicants submitted a check in the amount of \$110.00 - Baker Botts check no. 107938. Applicants agree that an additional \$660.00 was due for the filing of the RCE fee which would have been \$770.00. However, Applicants do not believe the additional \$110.00 should have been debited.

III. MANNER OF REFUND

Please make refund of \$110.00 by crediting Account No. 50-2148 of Baker Botts L.L.P.

BAKER BOTTS L.L.P.

Attorneys for Applicants

  
Bruce W. Slayden II  
U.S. Reg. No. 33,790

Date: December 2, 2004

Correspondence Address:

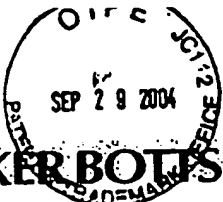
Customer No.: **31625**

Telephone: 512.322.2606

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09/30/04

RCE  
+ \$  
JFW

# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,  
provides for continued examination of an utility or plant application  
filed on or after June 8, 1995.  
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/870,461
Filing Date	June 1, 2001
First Named Inventor	John Elliott
Group Art Unit	2124
Examiner Name	Malzahn, David H.
Attorney Docket Number	068354.1470

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

## 1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☒ Information Disclosure Statement (IDS)
- iv. ☒ Other PTO Form 1449 (w/references on CD-ROM)
- 10/01/2004 MAHED1 00000040 502148 09870461  
01 FC:1251  
02 FC:1801 770.00 DA 110.00 DP

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☒ Other Revocation and Power of Attorney

## 3. Fees

- The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.
- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-2148
- i. ☐ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☒ Other Any additional charges under 37 CFR 1.16 and 1.117
- b. ☒ Check in the amount of \$ 110.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Bruce W. Slayden III	Registration No. (Attorney/Agent)	33,790
Signature		Date	9/29/2004

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as express mail in an envelope addressed to: Commissioner For Patents, Mail Stop- RCE, P.O. Box 1450, Alexandria, VA 22313-1450, on 9/29/04

Name (Print/Type)	Angela Lodging	Date	9/29/04
Signature			

Adjustment date: 01/21/2005 SDIRETAL  
10/01/2004 MAHED1 00000040 502148 09870461  
01 FC:1251  
02 FC:1801 770.00 CR -110.00 DP

01/21/2005 SDIRETAL 00000029 502148 09870461  
01 FC:1801 660.00 DA 110.00 DP